

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TROY D. GERMAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-19-751-F
)	
BILLY D. “RUSTY” RHOADES, individually;)	
MICHAEL HARRELL, individually;)	
BRIAN ORR, individually; and)	
MEGAN SIMPSON, individually,)	
)	
Defendants.)	

**DEFENDANT BRIAN ORR’S MOTION TO JOIN DEFENDANTS BILLY D.
“RUSTY” RHOADES’S, MICHAEL HARRELL’S, AND MEGAN L. SIMPSON’S
OPPOSED MOTION FOR LEAVE OF COURT TO FILE A
NEW MOTION FOR SUMMARY JUDGMENT**

Defendant, Brian Orr, by and through his attorneys of record, S. Alex Yaffe and Andrew M. Casey of Foshee & Yaffe, hereby respectfully moves this Court to allow Defendant Orr to join Defendants Billy D. “Rusty” Rhoades’s, Michael Harrell’s, and Megan L. Simpson’s (the “RHS Defendants”) in their motion for leave pursuant to LCvR56.1(a) to file a new motion for summary judgment, which was filed on October 28, 2021 (the “Motion”), addressing Troy German’s (“German”) deposition testimony and subsequent rulings by the Court related to German’s attempt to obtain a transcript of the Grand Jury proceedings and the scope of Dane Towery’s testimony.

In support of their motion, the RHS Defendants stated, “The RHS Defendants should be granted leave to file a new motion for summary judgment to address new evidence from the deposition of German and subsequent orders by this Court that limit

evidence available to German.” Likewise, Defendant Orr states that he, too, should be granted leave to file a new motion for summary judgment to address new evidence from the deposition of German and subsequent orders by this court that limit evidence available to German.”

The RHS Defendants originally filed a motion for summary judgment on July 14, 2020. Defendant Brian Orr filed a separate motion for summary judgment on November 2, 2020. On November 25, 2020, the Court denied summary judgment on Plaintiff German’s claims for retaliatory prosecution under the First Amendment and conspiracy. Doc. 78. On February 17, 2021, the Court subsequently granted summary judgment to all Defendants on Plaintiff’s malicious prosecution claim, but denied summary judgment on the abuse of process claim.

CONCLUSION

WHEREFORE, adopting the arguments set forth in the Motion, and for the foregoing reasons, Defendant Orr respectfully requests that the Court allow him to join the Motion made by the RHS Defendants and grant him leave to file a new motion for summary judgment to address German’s deposition testimony and the Court’s subsequent rulings related to the Grand Jury transcript and the scope of Dane Towery’s testimony.

Respectfully Submitted,

s/S. ALEX YAFFE

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CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2021, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Stanley M. Ward
Woodrow K. Glass
Barrett T. Bowers
Garry M. Gaskins, II

s/S. ALEX YAFFE

S. ALEX YAFFE